

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BOYD, et al.,

Plaintiffs,

v.

CITY AND COUNTY OF SAN FRANCISCO,
et al.,

Defendants.

No. C-04-05459 MMC (EDL)

ORDER GRANTING PLAINTIFFS' EX PARTE APPLICATION FOR ORDER STAYING AND ENJOINING ENFORCEMENT OF JUDGMENT OF COSTS PENDING HEARING ON PLAINTIFFS' MOTION TO STAY AND/OR ENJOIN ENFORCEMENT OF JUDGMENT OF COSTS PENDING APPEAL, AND ORDERING PLAINTIFFS NOT TO ACT SO AS TO THWART ANY FUTURE COLLECTION PROCEEDINGS

In June 2008, Defendants obtained a cost award against Plaintiffs of in excess of \$120,000. On August 20, 2008, Defendants filed a Motion to Enforce Judgment for Assignment of Rights, Restraining Order and Turnover Order. On August 26, 2008, Defendants filed Proposed Orders of Judgment Debtor Examination for Plaintiff and her husband, and a Motion to Enforce Judgment for Issuance of Order Permitting Levy Upon Wages of Non-Debtor Spouse. Also on August 26, 2008, Plaintiffs filed an ex parte application seeking to stay or enjoin enforcement of judgment pending the hearing on Plaintiffs' Motion to Stay or Enjoin Enforcement of the Judgment Pending Appeal. On August 26, 2008, Defendants opposed Plaintiffs' ex parte application. On August 28, 2008, Plaintiffs filed their motion to stay. These matters were referred to this Court for resolution.

Plaintiffs seek a temporary stay of enforcement proceedings on the grounds that, *inter alia*, the liens that Defendants have filed based on the judgment have impacted her law practice, and in a recent case, negatively affected settlement discussions. See Boyd Decl. ¶¶ 3, 4. Defendants acknowledge that this Court has the equitable power to issue a temporary stay. A brief stay until Plaintiffs' motion is resolved is warranted, during which Plaintiffs are ordered not to conceal or otherwise divert any assets, or to act in any way that could thwart future collection proceedings.

1 The Court stays enforcement of judgment until October 10, 2008, the date of the hearing on
2 Plaintiffs' Motion to Stay or Enjoin Enforcement of the Judgment Pending Appeal.

3 **IT IS SO ORDERED.**

4 Dated: September 10, 2008

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge

United States District Court
For the Northern District of California